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Attorneys for Chapter 11
Debtor and Debtor in Possession

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION**

| | |
|----------------------------------|---|
| In re: |) Case No.: 2:22-bk-10266-BB |
| |) |
| ESCADA AMERICA LLC, |) Chapter 11 Case |
| |) Subchapter V |
| Debtor and Debtor in Possession. |) |
| |) STIPULATION TO EXTEND |
| |) DEADLINES AND SCHEDULING |
| |) REGARDING: |
| |) |
| |) (I) DEBTOR'S MOTION FOR ORDER: |
| |) (I) AUTHORIZING USE OF CASH |
| |) COLLATERAL PURSUANT TO |
| |) SECTION 363 OF THE BANKRUPTCY |
| |) CODE; AND (II) APPROVING |
| |) ADEQUATE PROTECTION [ECF 101]; |
| |) AND |
| |) |
| |) (II) OBJECTION OF SIMON |
| |) PROPERTY GROUP AND |
| |) BROOKFIELD PROPERTIES RETAIL |
| |) TO DEBTOR'S SUBCHAPTER V |
| |) ELECTION OR, ALTERNATIVELY, |
| |) MOTION FOR APPOINTMENT OF AN |
| |) OFFICIAL COMMITTEE OF |
| |) UNSECURED CREDITORS [ECF 103] |
| |) |
| |) <u>Hearing:</u> |
| |) Date: April 6, 2022 |
| |) Time: 10:00 a.m. |
| |) Place: Courtroom 1539 |
| |) 255 East Temple Street |
| |) Los Angeles, CA 90012 |
| |) |
| |) |

) Hearing to be held in-person and by video-
) conference Government Zoom, see Court's
) website under "Telephonic Instructions" for
) more details:
) <https://www.cacb.uscourts.gov/judges/honorable-sheri-bluebond>
)
)

Escada America LLC, a Delaware limited liability company, (the "Debtor"), the debtor and debtor in possession in the above-captioned chapter 11, subchapter V bankruptcy case, on the one hand, and creditors Brookfield Properties Retail, Inc., Simon Property Group, Inc., and certain of their respective affiliates (collectively, the "Creditors"), on the other hand, by and through their counsel of record, hereby enter into this stipulation (the "Stipulation") as follows:

RECITALS

A. The Debtor commenced its bankruptcy case by filing a voluntary chapter 11 petition on January 18, 2022 (the "Petition Date").

B. The Debtor's authority to use of cash collateral ends on April 16, 2022.

C. On March 16, 2022, the Debtor filed its Motion for Order (I) Authorizing Use of Cash Collateral Pursuant to Section 363 of the Bankruptcy Code; and (II) Providing Adequate Protection (the "Cash Collateral Motion") [ECF 101], which is currently set for hearing on April 6, 2022, at 10:00 a.m.

D. On March 16, 2022, the Creditors filed their Objection of Simon Property Group and Brookfield Properties Retail to Debtor's Subchapter V Election or, Alternatively, Motion for Appointment of an Official Committee of Unsecured Creditors (the "Election/Committee Motion") [ECF 103], which is currently set for hearing on April 6, 2022, at 10:00 a.m.

E. On March 23, 2022, the Debtor filed its objection to the Election/Committee Motion.

F. On March 23, 2022, the Creditors filed their objection to the Cash Collateral Motion.

1 G. Currently, a chapter 11 case status conference is set for hearing on April 6, 2022,
2 at 10:00 a.m.

3 H. Pursuant to 11 U.S.C. § 1189(b), the deadline for the Debtor to file a subchapter
4 V plan is April 18, 2022, unless the Court extends the deadline based on a need attributable to
5 circumstances for which the Debtor should not justly be held accountable.

6 I. Since the early stages of the case, the Debtor and Creditors, through counsel, have
7 been engaged in confidential settlement discussions regarding multiple issues and a potential
8 consensual plan of reorganization, and those discussions are ongoing.

9 J. The Debtor and Creditors have discussed their respective issues and agree to enter
10 into this Stipulation as set forth below:

11 **STIPULATION**

12 1. The recitals in paragraphs “A” through “J” above are incorporated here as though
13 set forth in full.

14 2. The hearing on the Cash Collateral Motion on April 6, 2022, at 10:00 a.m., shall
15 be an interim hearing, with a further hearing set for April 27, 2022, at 10:00 a.m. (the “Further
16 Hearing”).

17 3. The Debtor’s deadline to file a reply in support of the Cash Collateral Motion shall
18 be extended to the date that is 7 days prior to the Further Hearing.

19 4. The hearing on the Election/Committee Motion on April 6, 2022, shall be
20 continued to and rescheduled concurrently with the Further Hearing.

21 5. The deadline for the Creditors to file a reply in support of the Election/Committee
22 Motion shall be extended to the date that is 7 days prior to the Further Hearing.

23 6. At the status conference on April 6, 2022, the Debtor and Creditors will jointly
24 request that the status conference be continued concurrently with the Further Hearing.

25 7. At the status conference on April 6, 2022, the Debtor and Creditors will jointly
26 request that the Court extend the Debtor’s deadline to file a subchapter V plan under 11 U.S.C.

§ 1189(b) from April 18, 2022, to May 2, 2022, without prejudice to further extension, and
without prejudice to the relief sought by the Election/Committee Motion.

SO STIPULATED.

Dated: March 29, 2022

ESCADA AMERICA LLC

By: /s/ John-Patrick M. Fritz
JOHN-PATRICK M. FRITZ
LEVENE, NEALE, BENDER,
YOO & GOLUBCHIK L.L.P.
Attorneys for Chapter 11
Debtor and Debtor in Possession

Dated: March __, 2022

BROOKFIELD PROPERTIES RETAIL, INC., SIMON
PROPERTY GROUP, INC., AND CERTAIN OF THEIR
RESPECTIVE AFFILIATES

By: _____
IVAN M. GOLD
ALLEN MATKINS LECK GAMBLE MALLORY &
NATSIIS LLP

Attorneys for Brookfield Properties Retail, Inc., Simon
Property Group, Inc., and Certain of their Respective
Affiliates

§ 1189(b) from April 18, 2022, to May 2, 2022, without prejudice to further extension, and
without prejudice to the relief sought by the Election/Committee Motion.

SO STIPULATED.


Dated: March __, 2022

ESCADA AMERICA LLC

By: /s/ John-Patrick M. Fritz
JOHN-PATRICK M. FRITZ
LEVENE, NEALE, BENDER,
YOO & GOLUBCHIK L.L.P.
Attorneys for Chapter 11
Debtor and Debtor in Possession

Dated: March 29, 2022

BROOKFIELD PROPERTIES RETAIL, INC., SIMON
PROPERTY GROUP, INC., AND CERTAIN OF THEIR
RESPECTIVE AFFILIATES

By: 
IVAN M. GOLD
ALLEN MATKINS LECK GAMBLE MALLORY &
NATSIS LLP

Attorneys for Brookfield Properties Retail, Inc., Simon
Property Group, Inc., and Certain of their Respective
Affiliates

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is 2818 La Cienega Avenue, Las Angeles, CA 90034

A true and correct copy of the foregoing document entitled **Stipulation To Extend Deadlines And Scheduling Regarding: (I) Debtor's Motion For Order: (I) Authorizing Use Of Cash Collateral Pursuant To Section 363 Of The Bankruptcy Code; And (Ii) Approving Adequate Protection [Ecf 101]; And (Ii) Objection Of Simon Property Group And Brookfield Properties Retail To Debtor's Subchapter V Election Or, Alternatively, Motion For Appointment Of An Official Committee Of Unsecured Creditors [Ecf 103]** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **March 29, 2022**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL: On **March 29, 2022**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

The Honorable Sheri Bluebond
United States Bankruptcy Court
Central District of California
Edward R. Roybal Federal Building and Courthouse
255 E. Temple Street, Suite 1534 / Courtroom 1539
Los Angeles, CA 90012

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **March 29, 2022**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

March 29, 2022

Jason Klassi

/s/ Jason Klassi

Date

Type Name

Signature

1 **2:22-bk-10266-BB Notice will be electronically mailed to:**

2 Dustin P Branch on behalf of Creditor The Macerich Company
branchd@ballardspahr.com, carolod@ballardspahr.com;hubenb@ballardspahr.com

3 Michael J Darlow on behalf of Creditor Harris County Municipal Utility District #358
4 mdarlow@pbfc.com, tpope@pbfc.com

5 Eryk R Escobar on behalf of U.S. Trustee United States Trustee (LA)
eryk.r.escobar@usdoj.gov

6 John-Patrick M Fritz on behalf of Debtor Escada America, LLC
7 jpf@lnbyg.com, JPF.LNBYB@ecf.inforuptcy.com

8 William W Huckins on behalf of Creditor Brookfield Properties Retail, Inc.
whuckins@allenmatkins.com, clynch@allenmatkins.com;igold@allenmatkins.com

9 Gregory Kent Jones (TR)
10 gjones@sycr.com, smjohnson@sycr.com;C191@ecfbis.com

11 Michael S Kogan on behalf of Creditor Michael Kogan Law Firm, APC
mkogan@koganlawfirm.com

12 Kristen N Pate on behalf of Creditor Brookfield Properties Retail, Inc.
13 ggpbk@ggp.com

14 Lindsey L Smith on behalf of Debtor Escada America, LLC
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15 Ronald M Tucker, Esq on behalf of Creditor SIMON PROPERTY GROUP INC
16 rtucker@simon.com, cmartin@simon.com;psummers@simon.com;Bankruptcy@simon.com

17 United States Trustee (LA)
ustpreion16.la.ecf@usdoj.gov

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